

New York State Department of Environmental Conservation

Division of Environmental Remediation

Office of the Director, 12th Floor

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Joe Martens
Commissioner

AUG 22 2012



Donald Duthaler, Jr., P.E.
Director of Property Management
Baker Capital, L.P.
One West Red Oak Lane
White Plains, NY 10604

Re: Magna Metals Pre-Design Investigation (PDI) On-site Access
Site No. 360003
Tax Parcel No. 34.18-1-5
510-534 Furnace Dock Road
Cortlandt (T), Westchester County, New York

Dear Mr. Duthaler:

The New York State Department of Environmental Conservation (Department), in consultation with the New York State Department of Health (NYSDOH), is conducting an on-site (soils) and off-site (wetland, brook and pond sediments) pre-design investigation (PDI) associated with hazardous waste contamination from the former Magna Metals located at 510-534 Furnace Dock Road. As you may be aware, previous investigations have been conducted at the Site and the Department signed a Record of Decision on June 2011 to implement the selected remedy. The goal of this PDI is to provide more information for implementing the remediation on-site, off-site and within the affected wetlands, stream, and pond areas.


In order to complete this work, the Department will need to take samples of various media, including soil and sediments. To begin with, the Department's contractor, YEC, Inc. will be conducting a survey of the wetlands, the pond, and the adjacent property boundaries starting on Tuesday, August 28th. Also, we will need to perform a pre-demolition assessment of the former Magna Metals building for asbestos and lead abatement. Our activities will be limited to the areas shown on the attached figure. The Department is available to answer any questions you may have regarding this work at anytime. The Department will also provide advance notice of scheduled work and will work to accommodate your schedule and the schedule of your tenants, to the extent possible and will make every effort to minimize any adverse impact of its entry on and occupancy of your property. Pursuant to Environmental Conservation Law (ECL) Article 27§ 1309, (3)-(4), ECL Article 27§ 1313(8), the Department and its contractors are authorized to enter onto property for these purposes. However, the Department would prefer to act in cooperation with private parties.

The Department will make every effort to cooperate with you so that any adverse impact of its entry on and occupancy of your property will be minimized. Accordingly, the Department will pay the cost of the work to be conducted on your property and will return the ground surface of the property to its condition before it entered your property, unless you otherwise agree.

Please sign and return the enclosed form acknowledging and consenting to the Department's right of entry onto the premises, Magna Metals, located at 510-534 Furnace Dock Road, for this pre-design investigation. For your convenience, I have enclosed a pre-labeled envelope.

Any questions or concerns about Department's operations on your property should be directed to Mr. Matthew Hubicki, Project Manager, at (518) 402-9662. Any questions regarding DEC's legal authority should be directed to the Office of General Council, Ms. Rosalie Rusinko at (914) 428-2505 ext 315.

Sincerely,



Robert W. Schick, P.E.
Division Director
Environmental Remediation

cc: G. Heitzman
M. Hubicki
N. Walz
R. Rusinko
D. Duthaler, Baker Properties
T. Connors, HDR
M. Lehtinen, HDR

**New York State Department Environmental Conservation
Pre-Design Investigation at Former Magna Metals Site No. 360003
510-534 Furnace Dock Rd, Cortlandt NY 10567
Property Owner Acknowledgment/Consent Form**

I Donald Duthaler, Jr. hereby acknowledge and consent to the
Print Name

Department's right of entry for purposes of the Pre-Design Investigation at the Former
Magna Metals Site No. 360003 onto the premises described below:

Tax Parcel No. 34.18-1-5
510-534 Furnace Dock Rd
Cortlandt, NY 10567

subject to advanced notice of not less than 30 days.

Signature *Donald Duthaler, Jr.*
*Director of Property Management
Baker Capital Limited Partnership*

Date *10/22/12*

